

NOTICES OF RULEMAKING DOCKET OPENINGS

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE

1. **Title and its heading:** 3, Agriculture
Chapter and its heading: 4, Department of Agriculture - Plant Services Division
Article and its heading: 2, Quarantine
Section number: R3-4-307
2. **Subject matter of the proposed rules:**
A.R.S. § 3-218(B) states that the Director may assess a fee of not more than 10¢ per budwood to cover the costs of implementing the citrus budwood certification program. If a fee will be assessed, this Section also instructs the Director to establish the amount of the fee by rule pursuant to cooperative agreement among the Department.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Shirley Conard, Rules Specialist
Address: Department of Agriculture
1688 West Adams, Room 124
Phoenix, Arizona 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
5. **The time during which written submissions may be made and the time and place where oral comments may be made:**
The Department will accept written comments between 8 a.m. and 5 p.m. Monday through Friday.
The Department will accept oral comments between 8 a.m. and 4:30 p.m. Monday through Friday at the location listed above.
6. **A timetable for agency decisions or other action in the proceeding:**
Unknown.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF CHIROPRACTIC EXAMINERS

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 7, Board of Chiropractic Examiners
Articles and their headings: 5, Licenses
8, Continuing Education
9, Unprofessional Conduct
Section numbers: R4-7-506, R4-7-801 through R4-7-803, and R4-7-901
2. **Subject matter of the proposed rules:**
In Article 5, the Board will adopt an overall timeframe during which the license or certification applied for will either be granted or denied. In Article 8, the Board will adopt new rules that establish the procedures by which the Board will enforce compliance with the continuing education requirement. In Article 9, the Board will review the existing rules and add language further defining the term "unprofessional conduct."
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Patrice Pritzl, Executive Director
Address: Board of Chiropractic Examiners
5060 North 19th Avenue, Suite 416
Phoenix, Arizona 85015

Arizona Administrative Register
Notices of Rulemaking Docket Openings

Telephone: (602) 255-1444

Fax: (602) 255-4289

5. The time during which written submissions may be made and the time and place where oral comments may be made:
The Board will accept written comments between 8 a.m. and 5 p.m. Monday through Friday.

The Board will schedule a public hearing at later date.

6. A timetable for agency decisions or other action in the proceeding:
None.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

1. Title and its heading: 4, Professions and Occupations
Chapter and its heading: 43, Board of Occupational Therapy Examiners
Article and its heading: 4, General Provisions
Section number: R4-43-102
2. Subject matter of the proposed rules:
The Board of Occupational Therapy Examiners has opened rulemaking docket 01 for the purpose of reducing the initial application fee and the annual renewal fee for the Occupational Therapist and the Occupational Therapy Assistant license.
3. A citation to all published notices relating to the proceeding:
None published.
4. Name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Kenneth D. Fink
Address: Board of Occupational Therapy Examiners
1400 West Washington Street, Suite #240
Phoenix, Arizona 85007
Telephone: (602) 542-6784
Fax: (602) 542-5469
5. The time during which written submissions may be made and the time and place where oral comments may be made:
Written comments will be accepted October 1 through 11, 1996. Additional comments will be accepted after the Notice of Proposed Rulemaking is published in the Register during the month of November 1996.
An oral proceeding has been scheduled as follows:
Date: October 18, 1996
Time: 1:30 p.m.
Location: Board of Occupational Therapy Examiners
1400 West Washington Street
Conference Room #320
Phoenix, Arizona 85007
6. A timetable for agency decisions or other action in the proceeding:
Notice of Proposed Rulemaking will be submitted to the Secretary of State for publication in the Register prior to October 21, 1996. Notice of Final Rulemaking will be submitted to the Governor's Regulatory Review Council prior to December 27, 1996.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES

1. Title and its heading: 9, Health Services
Chapter and its heading: 8, Department of Health Services - Food, Recreational and Institutional Sanitation
Article and its heading: 11, Restrooms (heading to be amended)
Section number: R9-8-1111
2. Subject matter of the proposed rules:
The Department plans to repeal the Restroom rule and adopt a new Article with revised standards for public restrooms. The current rule, adopted in 1976, has undergone no revision since that time and is obsolete. The new rules will incorporate modern building practices and conform with current stylistic and format requirements for state rules. The new rules will establish minimum stan-

Arizona Administrative Register
Notices of Rulemaking Docket Openings

dards for public restrooms including their construction and maintenance, the use of temporary toilets, sewage, and refuse disposal, and inspection.

3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Richard Cox, R.E.H.S.

Address: Department of Health Services
Food Safety and Environmental Sanitation
3815 North Black Canyon Highway
Phoenix, Arizona 85015

Telephone: (602) 230-5908
Fax: (602) 230-5817
5. **The time during which written submissions may be made and the time and place where oral comments may be made:**
The Department will accept written comments until the close of record, which has not yet been determined.

The Department has not scheduled any oral proceedings at this time.
6. **A timetable for agency decisions or other action in the proceeding:**
None.

NOTICE OF RULEMAKING DOCKET OPENING

RADIATION REGULATORY AGENCY

1. **Title and its heading:** 12, Natural Resources
Chapter and its heading: 1, Radiation Regulatory Agency
Articles and their headings: 1, General Provisions
2, Registration and Certification of Ionizing Radiation Machine Facilities, Registration of Services, and Licensing of Nonionizing Radiation Machine Facilities
4, Standards for Protection Against Ionizing Radiation
5, Radiation Safety Requirements for Industrial Radiographic Operations
6, Use of X-rays in the Healing Arts
9, Radiation Safety Requirements for Particle Accelerators
11, Radiation Safety Requirements for Uranium and Thorium Mill Tailings
13, License and Registration Fees
15, Transportation
17, Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies

Section numbers: R12-1-101 through R12-1-103, R12-1-202, R12-1-204, Appendix A, R12-1-418, R12-1-419, R12-1-438, R12-1-448, R12-1-506, R12-1-511, R12-1-521, R12-1-523, R12-1-541, R12-1-605, R12-1-610, R12-1-614, R12-1-901, R12-1-902, R12-1-903, R12-1-907, R12-1-909, R12-1-912, R12-1-1101, R12-1-1102, R12-1-1103, R12-1-1104, R12-1-1302, R12-1-1306, R12-1-1502 through R12-1-1508, Appendix A, R12-1-1715, R12-1-1716, R12-1-1721, R12-1-1723, R12-1-1742, R12-1-1743, and R12-1-1751.
2. **Subject matter of the proposed rules:**
These changes are the result of Five-year Reviews of the rules contained in the above-listed Articles that occurred over the last 2 years. In a single case a rule is added as it is a Nuclear Regulatory Commission compatibility requirement mandated by Arizona's Agreement with the federal government. Needed changes in each Article are summarized:

The majority of Article 1 changes are occurring in the definition Section. There, incorporated references are updated, numbering is removed for ease of use, new definitions are added, 1 definition is amended, and 1 moved from another Article. The definition of "radiation safety officer" is amended to include a reference to radiation-producing machines. Definitions for "certifiable cabinet x-ray system" and "certified cabinet x-ray system" are added to clarify exemptions given to cabinet x-ray users regulated by Article 5. The definition for "nuclear waste" is moved from Article 15 to conform with current rule format. R12-1-103 is amended to clarify transportation exemptions that are duplicated in Article 15. This amendment also excludes radiation producing machines from the exemption because transportation exemptions that are duplicated in Article 15. This amendment also excludes radiation-producing machines from the exemption because transportation regulations apply to shipping of radioactive material.

In Article 2 grammatical changes are made to improve understandability and to accommodate the new forms used to register radiation-producing machines. Also, facility description requirements are moved from Article 6 to registration requirements in Article 2. One of the new forms, ARRA-4, mentioned above, contains grammatical errors requiring a format alteration at this time.

Arizona Administrative Register
Notices of Rulemaking Docket Openings

The requirement for a single person to use a personnel monitoring device that was inadvertently deleted from Article 4 is added at this time and a rule in Article 4 is revised because of an incorrect numbering system. A correction is made to a rule so it references the correct rule in Article 4. Incident reporting requirements mandated by Arizona's Federal Government Agreement are included in this Article with existing reporting requirements.

Article 5 is revised to clarify quarterly inventory record requirements and to include specific licensing requirements being relocated from Article 3. Also, radiography personnel monitoring records will now be maintained in accordance with the requirements in Article 4, and certifiable enclosed radiography x-ray machines will now be exempted from the requirements contained in Article 5, provided certain quality assurance procedures are followed.

Article 6 is modified to correct a printing mistake in a Table I locate din R12-1-605. Clarifications are made in 2 other rules. The 1st describes the diameter of the useful radiation beam emitted from dental intraoral radiography systems, and the 2nd specifies the exact mesh size that shall be used when performing a mesh screen test to evaluate the acceptability of film-screen contact in cassettes used in mammography.

Article 9 is modified no significant modifications other than the inclusion of the requirement for particle accerlator facilities to have a radiation safety officer, which is newly defined in Article 1. The requirement to have a flashing warning light at the entrance to a medical particle accelerator because of the effect this type of light has on certain medical conditions. The remainder of the changes are minor and result from a Five-year review.

Long overdue, Article 11 is repealed because the authority to regulate mill tailings was returned to the Nuclear Regulatory Commission in 1980.

Article 13 is amended to correct an incorporated reference and a rule reference, and an error in the fee schedule created when the rules were last printed.

In Article 15 a definition and tests for special form radioactive material in Appendix A are removed because they duplicate terminology and requirements in Article 1. Also, other wording is moved to Article 1 where similar issues are addressed. Included in the rule repeal is wording that contradicts requirements in Article 4.

Article 17 is revised to include needed changes discovered during its last Five-year review. The majority of changes are corrections to existing requirements. One additional requirement is added, the need to notify the Agency prior to attempting to retrieve a radioactive well logging source lodged downhole.

Agency docket number, if applicable:

#0042

3. A citation to all published notices relating to the proceeding:

None.

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Aubrey Godwin
Address: Radiation Regulatory Agency
4814 South 40th Street
Phoenix, Arizona 85040

5. The time during which written submissions may be made and the time and place where oral comments may be made:

Written and oral comments will be accepted between 8 a.m. and 5 p.m. Monday through Friday.

Oral comments will be accepted between 8 a.m. and 4:30 p.m. Monday through Friday at the location listed above.

6. A timetable for agency decisions or other action in the proceeding:

None.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA STATE LOTTERY COMMISSION

1. Title and its heading: 19, Alcohol, Horse and Dog Racing, Lottery, and Gaming

Chapter and its heading: 3, Arizona State Lottery Commission

Article and its heading: 2, Retailers

Section numbers: R19-3-201 through R19-3-207.

2. Subject matter of the proposed rules:

The Arizona State Lottery Commission is reviewing the licensing process or retailers and special retailers (including qualifications, revocation, suspension, renewal denial, and repeal process). Retailer compensation, display of promotional material, and instant and on-line ticket sales are procedures are also under review.

3. A citation to all published notices relating to the proceeding:

None published.

Arizona Administrative Register
Notices of Rulemaking Docket Openings

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Sandy Williams, Executive Director

Address: Arizona State Lottery Commission
4740 East University Drive
Phoenix, Arizona 85034

Telephone: (602) 921-4400

Fax: (602) 921-4512

5. The time during which written submissions may be made and the time and place where oral comments may be made:

The Commission will accept written comments between 8 a.m. and 5 p.m. Monday through Friday (except state holidays).

The Commission will accept oral comments between 8 a.m. and 4:30 p.m. Monday through Friday (except state holidays) at the location listed above.

6. A timetable for agency decisions or other action in the proceeding:

None at this time.